

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-161

BRIAN R. TUBBS,

Defendant.

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**ORDER DENYING MOTION TO AMEND**

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Defendant Brian R. Tubbs has filed a Motion to Amend Judgment of Conviction, ECF [31]. At sentencing the Court imposed a sentence of 30 months on Counts 1 and 3 to be served concurrently to each other and consecutively to the sentence imposed in Winnebago County Circuit Court Case No. 01CF87. Tubbs complains that the consecutive federal sentence is interfering with his security classification in state prison. He argues that the federal detainer lodged with the state prison prevents him from being able to take advantage of work release opportunities and transfer to a lower security prison. The motion is denied. The federal detainer is lodged because the defendant has a further federal sentence to serve upon completion of his state sentence. Tubbs is simply not entitled to have the detainer lifted. Accordingly, the motion is denied.

**SO ORDERED** this 6th day of November, 2014.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court